

MONDAY, MARCH 29, 1999

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT:           BLEASE, Acting Presiding Justice  
                   RAYE, Associate Justice  
                   CALLAHAN, Associate Justice

Bailiff: Conrad.  
 Calendar called.

Civil           CINDY JACKSON  
 No.           v.  
 C029826      BOB MATHER et al.

Cause called. Roderick L. MacKenzie argued for Plaintiff-Appellant. Stephen J. MacKey, of Donahue, Wood, Loving, Myers & Vogel argued for Defendant-Respondent Bob Mather Mary Plyer argued for Herself in Pro Per as Defendant-Respondent Mary Plyer. Cause submitted.

Crim.         THE PEOPLE  
 No.           v.  
 C028492      RONALD JUSTIN TAYLOR

Cause called. Jonathan P. Milberg, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and granted. Cause submitted.

At 10:03 court recessed. At 10:05 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Raye, and Associate Justice Hull.

Civil           GENEVIEVE MULLEN ALFARO et al.  
 No.           v.  
 C029288      VALLEY PIZZA INC.

Cause called. Genevieve Mullen Alfaro argued for Herself in Pro Per as Plaintiff-Appellant Genevieve Mullen Alfaro. Eric Charles Clink argued for Himself in Pro Per as Plaintiff-Appellant Eric Charles Clink. Suzanne A. Sherinian, Trimble, Sherinian & Varanini argued for Defendant-Respondent. Cause submitted.

Civil  
No.  
C028308

GAYLE PARK  
v.  
IMPERIAL BANK

Civil                    JOHN TINKLE  
No.                      v.  
C029083                CALIFORNIA STATE LOTTERY

Court adjourned at 11:20 a.m., until Monday, April 12, 1999.

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TUESDAY, MARCH 30, 1999

Civil AMERICAN RICO CONSOLIDATED LAND ETC.  
No. v. (Not for Publication)  
C030264 ALAN L. LEVIN  
BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed August 3, 1998, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

Dated: March 30, 1999

SCOTLAND, P.J.

TUESDAY, MARCH 30, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C030069 CRAIG LAMONT HINTON  
 The judgment is affirmed.  
 BLEASE, Acting P.J.  
 We concur: MORRISON, J.  
 HULL, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C026002 RONNIE LEE FRIZZELL  
 The judgment is affirmed.  
 SCOTLAND, P.J.  
 We concur: SIMS, J.  
 CALLAHAN, J.

Civil CHARLES FEINGOLD (Not for Publication)  
 No. v.  
 C027945 A. M. NICHOLS  
 The judgment and order are affirmed.  
 DAVIS, J.  
 We concur: BLEASE, Acting P.J.  
 HULL, J.

Juvenile In re ALLAN R., a Person Coming Under the Juvenile Court Law.  
 No. THE PEOPLE (Not for Publication)  
 C029070 v.  
 ALLAN R.  
 CALLAHAN, J.  
 We concur: RAYE, Acting P.J.  
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C030795 KENNETH CHRISTOPHER HERFI  
 The judgment is affirmed.  
 SCOTLAND, P.J.  
 We concur: HULL, J.  
 KOLKEY, J.

TUESDAY, MARCH 30, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028190 JAMES CEASAR BENTLEY

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.  
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029324 GERALD RAY OSBORNE

The judgment is affirmed.

MORRISON, J.

We concur: DAVIS, Acting P.J.  
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C026509 XAI VANG

The judgment is affirmed. The trial court is directed to correct the abstract to the Department of Corrections.

NICHOLSON, J.

We concur: DAVIS, Acting P.J.  
MORRISON, J.

Civil DOROTHY HEISE (Not for Publication)  
No. v.  
C029096 COUNTY OF ALPINE et al.

The portion of the judgment dismissing the first two counts of the amended pleading is vacated and remanded to the superior court with directions to enter a new order overruling the demurrer to that extent. Neither party shall recover costs of appeal.

DAVIS, J.

We concur: BLEASE, Acting P.J.  
CALLAHAN, J.

TUESDAY, MARCH 30, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C029855 GREGORIO GUILLERMO SANCHEZ ORTEGA

The judgment is affirmed.

RAYE, J.

We concur: SIMS, Acting P.J.  
DAVIS, J.

Civil ALEX GOMEZ (Not for Publication)  
No. v.  
C028337 DEPARTMENT OF PERSONNEL ADMINISTRATION  
DEPARTMENT OF GENERAL SERVICES

The judgment is reversed with directions to deny the petition.  
Neither party shall recover costs of appeal.

DAVIS, Acting P.J.

We concur: NICHOLSON, J.  
HULL, J.

Juvenile In re ZACHARY D., a Person Coming Under the Juvenile Court Law.  
No. DEPARTMENT OF HEALTH & HUMAN SERVICES  
C030740 v. (Certified for Publication)  
DORIE D.

The order of the juvenile court terminating appellant's parental rights  
is affirmed. (CERTIFIED FOR PUBLICATION)

BLEASE, Acting P.J.

We concur: DAVIS, J.  
NICHOLSON, J.

Civil APFC, INC. (Not for Publication)  
No. v.  
C029281 JOHN GERALD CROWE et al.

The judgment is affirmed.

BLEASE, J.

We concur: SCOTLAND, P.J.  
KOLKEY, J.

TUESDAY, MARCH 30, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028625 KAREEM RASHAD SIMS

The judgment is affirmed.

DAVIS, J.

I concur; SCOTLAND, P.J.

I concur in the opinion.

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The trial court properly excluded evidence tending to show the violent conduct of the victim.

SIMS, J.

WEDNESDAY, MARCH 31, 1999

Juvenile In re RICARDO H., a Minor Coming Under the Juvenile Court Law.  
 No. SACRAMENTO COUNTY DEPARTMENT OF SOCIAL SERVICES  
 C030413 v.

WILLIE P.

THE COURT:

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The petition for rehearing is denied.

FOR THE COURT:

BLEASE, Acting P.J..

DAVIS, J.

NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028648 BILLY FLOYD CONLEY

The judgment is affirmed.

NICHOLSON, J.

We concur: BLEASE, Acting P.J.

MORRISON, J.

WEDNESDAY, MARCH 31, 1999 CONTINUED

Juvenile      In re DANIELLE D., a Person Coming Under the Juvenile Court Law.  
No.              DEPARTMENT OF HEALTH AND HUMAN SERVICES  
C030233      v.  
DON D.

The judgment is affirmed.

MORRISON, J.

We concur:              SCOTLAND, P.J.  
                                 SIMS, J.

Crim.              THE PEOPLE              (Not for Publication)  
No.                  v.  
C029438      SHAROLYN RENEE ROBINSON

The judgment is affirmed.

SCOTLAND, P.J.

We concur:              SIMS, J.  
                                 CALLAHAN, J.

Crim.              THE PEOPLE              (Not for Publication)  
No.                  v.  
C026333      HARRY AROSTIGUI SINGH

The judgment is modified to strike the one-year term imposed pursuant to section 667.5, subdivision (b) for defendant's alleged status as having served a prior, separate prison term for his San Joaquin County Burglary conviction in 1977. Accordingly, defendant's sentence is 25 years to life for the rape, plus a consecutive term 5 years for the section 667, subdivision (a) enhancement and consecutive terms of 1 year each for 3 section 667.5, subdivision (b) enhancements.

As modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment reflecting this modification, and send a copy thereof to the Department of Corrections.

SCOTLAND, P.J.

We concur:              CALLAHAN, J.  
                                 HULL, J.

WEDNESDAY, MARCH 31, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C030497 PHONEXAY SOUTSAVANG  
 The judgment is affirmed.  
 NICHOLSON, J.  
 We concur: BLEASE, Acting P.J.  
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C028948 VINCENT JAY NICHOLS  
 The judgment is affirmed.  
 HULL, J.  
 I concur: RAYE, J.  
 BLEASE, Acting P.J.

Juvenile In re TRAVIS W. et al., Persons Coming Under the Juvenile Court Law.  
 No. HUMAN SERVICES AGENCY  
 C030650 v. (Not for Publication)  
 JANET W.  
 The order terminating appellant's parental rights is affirmed.  
 MORRISON, J.  
 We concur: BLEASE, Acting P.J.  
 NICHOLSON, J.

Juvenile VALERIE W. (Not for Publication)  
 No. v.  
 C031738 SUPERIOR COURT, YUBA COUNTY  
 CHILD PROTECTIVE SERVICES et al.  
 The petition and request for stay are denied.  
 SCOTLAND, P.J.  
 We concur: HULL, J.  
 KOLKEY, J.



WEDNESDAY, MARCH 31, 1999 CONTINUED

Crim. No. C028055	THE PEOPLE v. RICHARD MARTIN DURAN The judgment is affirmed.	(Not for Publication)   SCOTLAND, P.J. We concur: NICHOLSON, J. HULL, J.
Crim. No. C028589	THE PEOPLE v. AMERICAN BANKERS INSURANCE COMPANY The judgment is affirmed.	(Not for Publication)   NICHOLSON, J. we concur: BLEASE, Acting P.J. CALLAHAN, J.
Civil No. C029637	OKSANA SHEREMETJEVA v. WEST AMERICAN INSURANCE COMPANY The judgment of dismissal is affirmed.	(Not for Publication)   NICHOLSON, J. We concur: SCOTLAND, P.J. RAYE, J.
Crim. No. C028492	THE PEOPLE v. RONALD JUSTIN TAYLOR The judgment is affirmed.	(Not for Publication)   BLEASE, Acting P.J. We concur: RAYE, J. CALLAHAN, J.
Crim. No. C029145	THE PEOPLE v. MANUEL PINA The judgment is affirmed.	(Not for Publication)   MORRISON, J. We concur: DAVIS, Acting P.J. CALLAHAN, J.

WEDNESDAY, MARCH 31, 1999 CONTINUED

Civil CINDY JACKSON (Not for Publication)  
 No. v.  
 C029626 BOB MATHER et al.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.  
 CALLAHAN, J.

THURSDAY, APRIL 1, 1999

Civil Estate of VERNON S. DALLMAN, Deceased.  
 No. VERNON S. DALLMAN, JR.  
 C030859 v.

ELAINE DALLMAN

Civil Estate of VERNON S. DALLMAN, Deceased  
 No. ELAINE DALLMAN  
 C031000 v.

VERNON S. DALLMAN, JR.

Civil RUTH DALLMAN, as Trustee etc.  
 No. v.

C032223 ELAINE DALLMAN, as Beneficiary, etc.  
 BY THE COURT:

The motion of Elaine Dallman for consolidation of the above cases is granted. The cases are ordered consolidated for all further appellate procedures except that they will retain their respective case numbers. Whenever documents are submitted for filing by the parties, an original must be presented for each case number; however, if copies of documents are required pursuant to the California Rules of Court, the parties need only submit a maximum of four. The cases will be considered for decision together.

Appellants' combined opening briefs are due on or before 30 days from the filing of the record in C032223.

Dated: April 1, 1999

SCOTLAND, P.J.

THURSDAY, APRIL 1, 1999

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C027724 THOMAS ALBERT RODRIGUEZ  
 The judgment is affirmed.  
 DAVIS J.  
 We concur: SCOTLAND, P.J.  
 SIMS, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C030719 DARYL NOLAN GRIFFITH  
 The judgment is affirmed.  
 CALLAHAN, J.  
 We concur: SIMS, Acting P.J.  
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C030490 VIRGINIA RENEE FALCK  
 The judgment is modified to impose a \$1,000 restitution fine stayed pending successful completion of parole. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections.  
 CALLAHAN, J.  
 We concur: SIMS, Acting P.J.  
 KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)  
 No. v.  
 C029751 DALTON ANDRE GAMBOA  
 The judgment is affirmed.  
 DAVIS, J.  
 We concur: SIMS, Acting P.J.  
 RAYE, J.

FRIDAY, APRIL 2, 1999

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C030557 ANTONIO HOLGUIN LERMA

The judgment is affirmed.

KOLKEY, J.

We concur: NICHOLSON, Acting P.J.  
HULL, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028410 STEVEN WAINE BOWLES

Defendant is awarded 322 days of pre-sentence custody credit. As so modified, the judgment (revocation of probation and imposition of sentence) is affirmed.. The trial court shall forward an amended abstract of judgment to the Department of Corrections.

SIMS, Acting P.J.

We concur: MORRISON, J.  
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028557 JASON ARMAND SANCHEZ

The judgment is affirmed.

CALLAHAN, J.

We concur: RAYE, Acting P.J.  
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)  
No. v.  
C028970 PHILIP LENFORD ALLEN

The judgment is affirmed.

SIMS, Acting P.J.

We concur: MORRISON, J.  
KOLKEY, J.

TUESDAY, APRIL 2, 1999

Crim. THE PEOPLE (Certified for Publication)  
No. v.  
C029005 VERNON JACKSON

The judgment is affirmed. (CERTIFIED FOR PUBLICATION)  
KOLKEY, J.

We concur: SIMS, Acting P.J.  
MORRISON, J.

Crim. THE PEOPLE (Certified for Publication)  
No. v.  
C029795 TERRENCE TERRILL HODGES

The judgment is affirmed.  
(CERTIFIED FOR PUBLICATION)

SIMS, Acting P.J.  
We concur: NICHOLSON, J.  
MORRISON, J.